Project Number	PC11-671FSU Final Plat
Project Name	North Market Revitalization
PC Workshop Date	January 17, 2012

Proposal:

The Applicant requests approval of a final plat for the consolidation of four lots into two lots, specifically lots 4-7 of the North Market Revitalization subdivision.

The North Market Revitalization project is located at the site of the former Hanson-Taney public housing community along N. Bentz Street. All of the lots in the community have been recorded and construction is well under way. The subject lots were approved as two sets of duplex units- Lots 4 and 5 and Lots 6 and 7, respectively, however, the Applicant is now seeking to combine them to construct two new single family units instead of four duplexes.

Important Issues:

Neighborhood Consistency

Per LMC Section 515, subdivision of any residential lot or tract of land that is a part of or surrounded by an existing residential subdivision that is platted and recorded must be of the same character as the existing lots using the seven (7) characteristics outlined in Section 515(a): street frontage, alignment, size, shape, width, area and suitability for residential use. The original four (4) lots were sized to contain duplex units; now the two (2) consolidated lots are proposed for single-family homes. The approved subdivision contains a mix of unit types and lot sizes, i.e. multi-family, single family, towns, and duplexes. The Applicant has provided the required narrative for proof and documentation to satisfy Section 515.

Historic District Overlay

The subject properties are within the Historic Preservation Overlay (HPO) and subject to the Historic Preservation Commission (HPC) review. The original North Market Revitalization subdivision and site plans received HPC approvals for New Construction Level 1 and Level II for the homes. The Applicant applied for amendments to their Level II approval to accommodate changing the duplexes to single family homes on the new lots 5R and 7R. The HPC approved the lot and unit changes on November 22, 2011, with stipulated design conditions as stated in the attached approval letter.

Tree Preservation

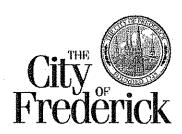
Lot 7R contains a mature Gingko tree that the HPC required to be saved from the razing of the site. The plat shows the tree still to be saved and the protection tree area in place. The Applicant is advised that prior to any more grading or construction of Lots 5R and 7R the tree protection fence and signage shall be installed around the Gingko.

Utilities

The original four (4) lots each were provided one water and one sewer hookup. As a result of the consolidation, two of the lines each for water and sewer will need to be removed for City Code compliance with one water and sewer line per lot.

Attachments

- Final Plat
- HPC Certificate of Approval letter, case HPC11-651, amended Level II Section 515 narrative for consistency



Aldermen

Karen Lewis Young President Pro Tem

Michael C. O'Connor Shelley M. Aloi Carol L. Krimm Kelly M. Russell

January 9, 2012

Sue Creamer Nexus Energy Homes Inc. 1000 Island Professional Park Stevensville, MD 21666

Re: PC11-671FSU Consolidation Final Plat:

North Market Revitalization, Section 1, Plat 2 Lots 5R and 7R (NAC #11)

Dear Ms. Creamer:

Staff has reviewed the above-referenced plan. Staff has only one comment to be corrected as follows:

1. Label the water and sewer line connections to be abandoned to comply with only one water and sewer line per one lot.

Once the comments have been addressed, please submit 12 paper copies (one of which is highlighted) of the plat and a response letter. This office shall receive the resubmission of this plat no later than January 23, 2012 to be placed on the February 13, 2012 PC hearing.

If you have any additional questions, please feel free to contact me at 301-600-1718 or if you prefer by electronic mail at preppert@cityoffrederick.com.

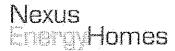
Sincerely,

Pam Reppert

City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning

David Beard, Harris Smariga & Associates, 125 S Carroll St., Frederick, MD 21701



January 6, 2012

City of Frederick 140 West Patrick Street Frederick, MD 21701 Attn: Pam Reppert

Re: Case #PC11-671FSU Consolidation Final Plat:

North Market Revitalization, Section 1, Plat 2 Lots 5R and 7R (NAC #11)

As part of the review process for the above-referenced project, Section 515 of the Land Management Code requires the proposed subdivision/re-subdivision to meet seven (7) different criteria for a residential subdivision. This narrative argues that the proposed re-subdivision plat for the proposed Lots 5R and 7R meets the requirements and are listed below.

- 1) Street Frontage: The proposed lots front North Bentz Street in the same configuration—as previously approved and as surrounding lots adjacent to the property.
- 2) Alignment: The proposed lots are aligned in a similar fashion to all surrounding properties.
- 3) Size: Proposed lots 5R and 7R are similar in size to nearby and adjacent properties but, throughout the neighborhood, lot sizes are somewhat variable.
- 4) Shape: All the lots within the project area are rectangular in shape as are the proposed lots.
- 5) Width: Widths in the vicinity of the project vary from 24 feet to 55 feet. The proposed widths of both lots are 43 and 50 feet.
- 6) Area: Lot areas in the surrounding properties vary from 1,600 square feet to 3,000 square feet. The proposed lots will be 3,225 and 3,729 square feet.
- Suitability for residential use: The proposed lots will match the character of the surrounding neighborhood.

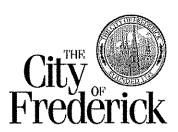
In summary, we believe that the proposed re-subdivision will be consistent with existing community.

Regards,

Sue Creamer Project Manager

Nexus Energy Homes, Inc.

Randy McClement Mayor



Aldermen

Karen Lewis Young President Pro Tem

Michael C. O'Connor Shelley M. Aloi Carol L. Krimm Kelly M. Russell

HISTORIC PRESERVATION COMMISSION CERTIFICATE OF APPROVAL HPC11-651, 628-630 N BENTZ STREET

November 23, 2011

Sue Creamer Nexus Energy Homes 1000 Island Professional Park Stevensville, MD 21666

Dear Ms. Creamer:

The City of Frederick Historic Preservation Commission (HPC) approved with conditions the request regarding the property at 628-630 N BENTZ STREET at the November 22, 2011 public hearing. The proposal was found to comply with the *Frederick Town Historic District Design Guidelines* and the *Secretary of the Interior's Standards for Rehabilitation*. You have approval to make the following amendments to your Level II approval to accommodate the change from a duplex to a single family building:

- Reduce the number of doors;
- Modify the location and number of windows;
- Substitute brick for the previously approved lap siding on the sides and rear of the building at the second floor:
- Eliminate one porch stair on the front of the building; and
- Reduce the length of the porch on the rear of the building and eliminate a stair.

This approval has the following conditions:

- The basement windows, soldier course and all other details as approved in HPC11-110 must be retained.
- All materials must match those previously approved for the individual lots.
- The number, location and configuration of solar panels must remain the same as previously approved for the individual lots.
- The downspouts must connect to the sidewalk.
- The ridge caps on the main roof must be shingle.
- The space beneath the front porch balustrade must not exceed 4 inches.

This approval is valid for two years. You may not begin work until you have applied for and received the required building <u>and/or</u> zoning permits. You are also required to post the green **HPC COA** placard next your permit at the subject property. This placard will be issued to you

along with any permits. When submitting the application, please attach 3 copies of this letter and three copies of the following supporting documents stamped "Approved":

• Drawing set stamped "Received Nov 16 2011" with notes entered by the chairman on 11/22/11.

Failure to provide 3 copies of the HPC approval letter and the approved supporting documents, or the plan sets with the same attached may result in delays in the issuance of the building/zoning permit. If you have any questions concerning the permitting process, please contact the Building Department at 301-600-3829. A copy of the approval letter and all approved supporting documents must be kept at the job site at all times during construction.

Pursuant to Section 423 of the City of Frederick Land Management Code and the Maryland Rules of Procedure, an appeal of this decision of the Historic Preservation Commission can be made to the Circuit Court for Frederick County. All appeals must be filed within thirty (30) days of the date of the decision. If you have any questions about this approval, please contact me at 301-600-6278.

Sincerely,

Lisa Mroszczyk Historic Preservation Planner

Project Number	PC11-669FSU Addition Plat
Project Name	TGEC LAND, LLC
PC Workshop Date	January 17, 2012

Proposal:

The Applicant requests consolidation of five separate parcels under the same ownership to reconfigure two lots, creating Lots 1R and 2R, located at the corner of Carroll Street and East All Saints Street.

The site is the location of the General Engineering building, a historic building which suffered significant fire damage in June of 2010. The Applicant is currently in the process of seeking approval from the City to commence reconstructing the portions of the building that were damaged in the fire and seeks to combine the lots as part of that process.

Important Issues:

Infrastructure

Both East All Saints Street and Carroll Street do not meet their specified road classification widths of 60' and 50', respectively. The Applicant is required to dedicate land towards the Carroll Street right of way and between the two lots, is providing approximately 759 s.f. of right of way at this time.

With regards to the East All Saint Street right of way, the existing building on Lot 1R has historically extended into the public right of way. In 1971, the City of Frederick conveyed the land containing the structure to the owner at the time, Floyd Culler, with the agreement that the right of way in this vicinity would not be required until the building were demolished or remodeled to the extent that the south wall extending into the East All Saints right of way was removed (Liber 847 folio 257). As noted above, while the structure did suffer extensive damage due to fire, the wall which projects into the public right of way still stands. Per Section 902 of the Land Management Code (LMC), Nonconforming Structures, any structure any building that is within the DR, DBO, or DB which is destroyed to any extent by fire or other incident may be constructed regardless of nonconforming elements with the approval of the HPC if located within the HPO.

In accordance with Section 506(c), the Applicant is requesting a deferral of street frontage improvements to Carroll Street in order to continue the existing operations and access to the loading dock. In addition, the Applicant is requesting to defer the installation of curb and gutter and sidewalk along East All Saints Street. The Streets and Sanitation Committee meeting is scheduled for January 17, 2012 and the Commission will also be required to make a recommendation to the Mayor and Board of Aldermen at their February hearing.

The subject properties have existing water and sewer lines. A lot may only have one water and one sewer hookup in accordance with City Code; therefore, if any excess lines exist they will need to be abandoned at the time of improvements.

APFO

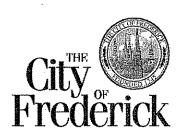
The subject properties experienced fire damage about a year and half ago that will require restoration of the structures to original state. Therefore, the project is exempt from the APFO with planned renovations resulting in no more than 20% increase in water, sewer or road capacities.

Accessibility

The subject properties contain two existing private alleys for access from Carroll Street. If the two lots proposed to use both alleys for access, there will need to be access easement agreements between Lots 1R and 2R as recognized separate entities although both have same ownership at the present.

Attachments

- Final Addition Plat
- Quit Claim Deed
- Reservation to Dedicate Land Agreement
- Streets & Sanitation Deferral Requests and backup information



Aldermen

Karen Lewis Young President Pro Tem

Michael C. O'Connor Shelley M. Aloi Carol L. Krimm Kelly M. Russell

January 9, 2012

David Beard Harris Smariga & Associates 125 S. Carroll Street, Suite 100 Frederick, MD 21701

Re: PC11-669FSU: TGEC LAND, LLC (NAC #11)

Dear Mr. Beard:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

MAJOR CONCERN

- 1. Was road dedication included across the 16' alley entrance area? Label the areas of dedication on the drawing.
- 2. Will Lot 2R use 16' alley for access? If so, there needs to be an access easement agreement between Lots 1R and 2R.
- 3. Submit APFO exemption application and all information required for analysis.
- 4. Show entire 60' ROW for East All Saints Street and 50' ROW delineated for Carroll Street and delineate with lead lines.
- 5. Provide note to document street frontage improvement deferrals, if approved by the Streets & Sanitation Committee, and adjust drawing to reflect approval, if applicable.
- 6. Provide correct water note as follows: "The allocation of water and wastewater treatment capacity for the development of the property depicted on this plat will be made in accordance with Chapter 25, Article IX of The Code of the City of Frederick, 1966 (as amended). Allocation of water and wastewater treatment capacity is generally made at the time of building permit application, subject to the availability of such capacity and the payment of all required fees."

7. Lot 1R is a corner lot and therefore, does not have a rear setback, just two fronts and two sides.

Once all of the comments have been addressed, please submit 15 paper copies (one of which is highlighted) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **January 23**, 2012 to be placed on the **February 13**, 2012 Planning Commission hearing agenda.

If you have any additional questions, please feel free to contact me at 301-600-3187 or if you prefer by electronic mail at preppert@cityoffrederick.com.

Sincerely,

Pam Reppert City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning TGEC, Land LLC, Harold Hauver, P. O. Box 609, Frederick, MD 21705-0609

BOX 847 NG 257

Recorded May 14, 1971 at 2:55 P.M.

THIS DEED, made this lith day of May 1971, by Ployd L. Culler, Inc., a body corporate, of Frederick County, State of Maryland.

Dollars (\$10.00) and other good and valuable consideration of the sum of Ten of which is hereby acknowledged, Floyd L. Guller, Inc., a body corporate does hereby grant and convey, in fee simple, unto The General Engineering Company, a body corporate, its successors and assigns, all that tract of Irederick City, Frederick County, Maryland, and more particularly described as follows:

Beginning at a point on the west side of South Carroll Street at the and of 19.76 feet on a line drawn South 63° 22' Rest from the Northeast corner of a stone warehouse on the property herein described and conveyed, and running thence by and with the west side of South Carroll Street (1) South 6° 00' West 50.08 feet to a point on the north side of East All Saints Street at the and of 22.50 feat on a line drawn South 81°17' East from the southeast corner of the stone werehouse on the property herein described and conveyed, thence to and by and with the south side of said warehouse (2) North 81° 17' West III,00 feet to the southwest corner of s stone wall running across the whole werehouse, thence by and with the west side of said stone wall to include it by a line of division now made (3) North 9° 10' East 46.09 feet to a point on the north side of the stone wall of the whole warehouse and on the fourth or South 834° East 122 feet line of second parcel of land described in a deed from The Remeburg Fertilizer Company, Incorporated to The Ramaburg Fertilizer Company deted Pebruary 23, 1930 and recorded in Liber No. 372, Folio 380, thence by and with said fourth line and the north side of the stone well of the whole varehouse (4) South 83° 22' East 108.35 feet to the place of beginning, containing 5271 square feet, more or less.

BEING part of all that real estate conveyed unto Floyd L. Culler, Inc., by the Ramaburg Fertilizer Company, by a deed dated August 26, 1968, and recorded in Liber No. 789, Folio 745, one of the Land Records of Frederick County. Reference is also herewith made to an Agreement between the Gity of Frederick and Floyd L. Culler, Inc., dated MANIETT 7 1971, and intended to be recorded immediately prior hereto smong the Land Records of Frederick County, and the Grantor herein does hereby set over and sesign unto the Grantee herein all its right, title or interest in and to said

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BOOK 847 MGL 258

- 2 -

Agreement, subject to the conditions reserved therein unto the City of Frederick,

The Grantor herein does further grant, convey and quit claim unto the Grantee herein all its right, title, interest and estate in and to the alleyway or railroad siding immediately adjacent to and north of the Pourth or South 83° 22' Best 108.35 foot line or the distance of said line from Carroll Street westward, that is to say, for a distance of 108.35 feet.

TO HAVE AND TO HOLD the above described real estate unto the said The General Engineering Company, a body corporate, its successors and essigns, forever, in fee simple, together with all rights, ways, roads, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

OVD. Culler, its President, with its corporate seal duly affixed by Charles B. Hubbard, its Assistant Secretary.

Villiam 2 Stauffer, Secretary

B. Carl L. Culier, Fresident (SEAL)

STATE OF MARYLAND, COUNTY OF FREDERICK, TO-WET:

I hereby certify that on this 10.1001, 1971, before me, the Subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, duly commissioned and qualified, personally appeared Carl L. Culler, President of Floyd L. Culler, Inc., a body corporate, and did scknowledge the aforegoing Deed to be the act and deed of said body corporate.

Witness my hand and Seal Notarial.

Patricia L. Hale - Notary Public

Telpt No. 29284

Del cty of Franch

BOOK 847 PAGE 254

Recorded May 14, 1971 at 2:50 P.M.

THIS AGREEMENT, made this Title day of Many, 1971, by and between the City of Frederick, a municipal corporation of the State of Maryland, and Floyd L. Culler, Inc., a body corporate of the State of Maryland.

WITNESSETH WHEREAS, the City of Frederick has a dedicated street known as East All Saints Street, being shown on pertinent plats of said City as a sixty (60) foot right of way, a portion of which, hereinafter described, has not been used as a public thorofare, and

WHEREAS, the said Floyd L. Culler, Inc., is the owner of property, the improvements of which extend into the said East All Saints Street and into the aforesaid sixty (60) foot right of way, which improvements are known as the "Ramsburg Fertlizer Building" which was conveyed unto the said Floyd L. Culler, Inc., by deed dated August 26, 1968, from the Ramsburg Fertlizer Company, a body corporate, and recorded in Liber 789, Polio 745, one of the Land Records of Frederick County.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the mutual undertakings and conditions hereinafter set forth, the City of Frederick does hereby grant and convey, and quitclaim all its right, title and interest both at law and in equity, unto Floyd L. Culler, Inc., a body corporate, its successors and assigns, to all that portion or parcel of land which may extend into the public right of way at the intersection of Carroll Street and East All Saints Streets, and that the said Floyd L. Culler, Inc., in consideration of the aforesaid quitclaim agreement, for itself,

MATTLEY & STILLRICH ATTORNEYS AT LAW PRESSURES MARTLAND

BOOK 847 mg 255

its successors and assigns, hereby agrees that in the event the building known as the "Ramsburg Fertlizer Building" is demolished or remodeled to the extent that the south wall thereof extending into East All Saints Street is removed, it will dedicate to the City of Frederick that portion of its property extending into said street as aforesaid to re-constitute the full sixty (60) foot right of way for East All Saints Street, and any reconstruction of said south wall shall be north of said right of way line.

IN TESTIMONY WHEREOF, the City of Frederick, a municipal corporation of the State of Maryland does hereby cause these presents to be executed by E. Paul Magaha, its Mayor, and the corporate seal affixed thereto and attested by its Treasurer, Louis E. Eichelberger, on the day and year first above written. And in further testimony whereof, the said Floyd L. Culler, Inc., does hereby cause these presents to be executed by its President and the corporate seal affixed hereto and attested by its Secretary.

ATTEST:

THE CITY OF FREDERICK, a municipal corporation of the State of Maryland

ouis B. Eichelberger Treasurer

E. Paul Magaha, Mayon

ATTEST:

.....

PLOYD L. CULLER, INC., a body corporate of the State of Marylan

William 2. Caulfor Feoretary

CAPI I. Cull

OASTLEY & STILLRICH

PPSDEMEN, MARTILL

James Mc Slery, ally July 2, 1958

1868 599 PAGE 237

Recorded May 12, 1958 et 2:20 P. M.

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, Ramsburg Fertilizer Company, a body corporate of the State of Maryland, does hereby grant and convey unto The Potomac Edison Company, a body corporate, its successors and assigns, the right to install, repair, maintain, operate, remove, or replace any and all necessary beliast, ties, rails and the necessary appurtenances thereto pertaining to a railroad operation on property of the Ramsburg Ferrilizer Company, beginning at a point at the end of 231' on a line drawn S 249 W from the intersection of East South Street and a line fence on the west boundary of the property of the grantor, said point being also the southwest corner of the property of the grantor, and running thence by and with the south boundary of the property of the grantor (1) S 66° E 38'/, thence' (2) N 27 3/40 W 48.4', (3) S 24° W 30' to the place of beginning.

WITNESS WHEREOF, Ramsburg Fertilizer Company, a body corporate, has caused this Right-of-Way to be executed, this 12 day of May, 1958.

BY: J. Richard Ramaburg, President

Mabet E. Ramaburg

STATE OF MARYLAND, FREDERICK COUNTY, TO WIT:

I hereby certify that on this / day of May, 1958, before me, the subscriber, a Notary Public of the State of Maryland, in and for the county aforesaid, personally appeared J. Richard Ramsburg, President of Ramsburg Fertilizer Company and acknowledged the foregoing instrument to be the act and deed of said Corporation.

STREET OF LIFE .

WITNESS my hand and Notarial Seal.

oved as to form:

Notery Publi

James McSherry, Attorney

From: Fran Zeller [mailto:FZeller@harrissmariga.com]

Sent: Tuesday, December 27, 2011 6:06 PM

To: Zack Kershner

Cc: rusty@genecosealtite.com; jmills@designstoryarchitects.com

Subject: RE: General Engineering Company - Corner of East All Saints & South Carroll Street

Hello Zach,

We have put together sketches of public improvements at the General Engineering site. We have drawn 2 improvement scenarios. Both offset the south curb face of All Saints by 36' to establish a new curb face adjacent to the General Engineering site. Both concepts save the existing City street light (L/P) just west of the water meter. At the constricted corner a 30' pavement width is proposed. Both propose defining the pedestrian route at the corner by paint with no other physical changes to the existing macadam at the corner. This will maintain the ability of General Engineering to continue to drive forklifts onto the existing loading dock.

I looked over the City details – copies attached and went out and measured the actual spaces at the site, further west on All Saints at Hovnanian's Maxwell Place condos, adjacent to the new parking deck & Schaefer office building and the new spaces on east side of Carroll Street.

What I found was that the existing striped spaces adjacent to the General Engineering site on All Saints Street appear to be a substandard size at approx. $6.5 \times 17'$ to 18'. The spaces in front of the new deck and Schaefer Building matched the City detail S-36 and the ones on the east side of South Carroll were $8' \times 22'$.

Sketch 1 maintains the 5 parking spaces. They have been widened to meet the 8' standard from proposed curb face. To achieve the 5 spaces they are substandard in that there is not an 8' wide gap between every 2 spaces. Furthermore a constricted 3.6' wide sidewalk results as the new sidewalk pinches with the existing building wall.

Sketch 2 drops one space and provides 4 spaces with an 8' gap every 2 spaces. It also removes the sidewalk constriction with the building face resulting in a uniform 4' wide walk.

We can go with either concept, although for the reasons noted above believe the 4 space design would be best.

Let me know if you feel we need to do more at the corner to define the pedestrian route.

I can put together a letter that summarizes the request but probably need your thoughts on the corner and dropping the one space before it can be completed or if we need the Committee to decide I can prepare the letter in that fashion as well.

Fran Zeller
Harris Smariga & Assoc.
125 South Carroll Street
Suite 100
Frederick, Md. 21701
Phone 301-662-4488 ext 122
Fax 301-662-4906
fzeller@harrissmariga.com

From: Zack Kershner [mailto:zkershner@cityoffrederick.com]

Sent: Wednesday, December 14, 2011 10:13 AM

To: Fran Zeller Subject: S&S

Hi Fran,

After speaking with Lee in Legal, she reminded me that items for S&S usually come from staff, so, if you want to make a request for a reccommendation to S&S regarding the project on Bentz and Carroll, you can submit the request and the plans to me and I will get you on the next available agenda. We will need adequate time (3 to 4 weeks prior to the S&S meeting) to review the plans and to route them to the various departments for review and to put together the backup for the S&S meeting.

Thanks, Zack

<><><><><><>
Zachary J. Kershner, P.E.
City Engineer

The City of Frederick 140 West Patrick Street Frederick, MD 21701

301-600-1404

